

## REMARKS

The Final Office Action of September 9, 2005, has been received and reviewed.

Claims 1, 2, 6, 11-17, 22, 23, 40-52, and 55-74 are currently pending and under consideration in the above-referenced application. Claims 1, 2, 6, 11-16, 40-52, and 55-71 have been allowed. Claims 17, 22, 23, and 72-74 stand rejected.

It is proposed that claims 17, 22, and 23 be canceled without prejudice or disclaimer.

Reconsideration of the above-referenced application is respectfully requested.

### Rejections Under 35 U.S.C. § 102

Claims 17, 22, 23, and 72-74 stand rejected under 35 U.S.C. § 102(a).

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single reference which qualifies as prior art under 35 U.S.C. § 102. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

#### Crevasse

Claims 17 and 74 stand rejected under 35 U.S.C. § 102(a) for reciting subject matter which is purportedly anticipated by that described in U.S. Patent 6,033,293 to Crevasse et al. (hereinafter “Crevasse”).

Cravasse discloses a vacuum system for securing a polishing pad 30 in place while semiconductor device structures (e.g., wafers upon which semiconductor devices are being fabricated) are being polished. FIG. 2; col. 2, lines 25-41. Specifically, the vacuum system includes a platen 40 which includes a top plate 46, channels 48 beneath portions of the top plate 46, and holes 41-45 that extend through the top plate 46 from the channels 48 to an upper surface of the top plate 46. FIG. 2; col. 4, lines 4-15. The upper portion of the platen 40, including the top plate 46 and the region that carries channels 48, is referred to by Cravasse as a “polishing table 39.” Col. 4, lines 4-6.

In use, a backside layer 34 of the polishing pad 30 rests upon the polishing table 39 or, more specifically, upon the upper surface of the top plate 46 of the platen 40. FIG. 2; col. 4, lines 42-51. The polishing pad 30 is positioned over holes 41-45 and held in place on the upper surface of the top plate 46 by way of a negative pressure that is communicated to the backside layer 34 of the polishing pad 30 through the holes 41-45 in the top plate 46. *Id.*

Independent claim 17 has been canceled without prejudice or disclaimer, rendering the rejection thereof moot.

Independent claim 74 is directed to a subpad assembly. The subpad assembly of independent claim 74 includes a subpad, a support surface configured to receive the subpad, and a subpad retention element configured to apply a negative pressure to a bottom surface of a subpad to retain the same on the support surface.

It has been asserted that the top plate 46 of the platen 40 described in Crevasse is a subpad. Final Office Action, page 3. As noted above, however, the top plate 46 of the platen 40 could not be considered to be a subpad of the type recited in independent claim 74, as Crevasse lacks any express or inherent description that a negative pressure may be applied to a bottom surface of the top plate 46 to retain the same on the remainder of the platen 40. Moreover, even assuming, *arguendo*, that the top plate 46 of the platen 40 of Crevasse could serve as a subpad, Crevasse lacks any express or inherent description that the top plate 46 is removable from the remainder of the platen 40, or that the remainder of the platen 40 is configured to “removably retain” the top plate 46. Instead, it is apparent from the description provided at col. 4, lines 4-15 of Crevasse that the top plate 46 is permanently fixed to the platen 40, and may not be removed therefrom.

As such, Crevasse does not anticipate each and every element of independent claim 74, as would be required to maintain the 35 U.S.C. § 102(a) rejection of that claim.

Nishi

Claims 17, 22, 23, 72, and 73 stand rejected under 35 U.S.C. § 102(b) for reciting subject matter which is purportedly anticipated by that described in U.S. Patent 5,704,827 to Nishi et al. (hereinafter “Nishi”).

Nishi describes an apparatus that employs a negative pressure to secure a cloth cartridge 1 to a polishing apparatus. The apparatus includes passages 15 through which a negative pressure is communicated to a surface of a turntable 4 to secure a base member 2 of the cloth cartridge 1 to the turntable 4 surface. FIG. 5; col. 3, lines 6-37. A protrusion 4a is located about the entire periphery of the surface of the turntable 47 to engage a channel groove 7 machined into the bottom of the base member 2 to prevent lateral movement of the base member 2 and a polishing cloth 3 bonded thereto (col. 3, lines 48-51) from moving laterally during polishing. Col. 3, lines 2-26.

It is proposed that claims 17, 22, and 23 be canceled without prejudice or disclaimer, rendering the rejections of these claims moot.

As FIG. 5 of Nishi quite clearly illustrates, the peripheral edges of both the base member 2 and the polishing cloth 3 remain exposed when the channel groove 7 of the base member 2 is engaged by the protrusion 4a from the surface of the turntable 4. surdoes not expressly or inherently describe that the polishing cloth 3 thereof moves independently relative to the base member 2 of the cloth cartridge 1 thereof. Thus, the protrusion of Nishi does not comprise a “lip” that “substantially completely surround[s] a peripheral edge of a subpad,” as would be required to anticipate each and every element of independent claim 72. As such, under 35 U.S.C. § 102(b), the subject matter recited in independent claim 72 is allowable over the subject matter described in Nishi.

Claim 73 is allowable, among other reasons, for depending directly from claim 72, which is allowable.

In view of the foregoing, it is respectfully requested that the 35 U.S.C. § 102 rejections of claims 17, 22, 23, 72, 73, and 74 be withdrawn.

### **Allowed Claims**

The allowance of claims 1, 2, 6, 11-16, 40-52, and 55-71 is gratefully acknowledged.

### **Entry of Amendments**

It is respectfully requested that claims 17, 22, and 23 be canceled without prejudice or disclaimer. The cancellation of these claims reduces the number of issues that remain for purposes of appeal, would not introduce new matter into the above-referenced application, and would not necessitate an additional search.

In the event that the proposed amendments are not entered, it is respectfully requested that they be entered upon the filing of a Notice of Appeal in the above-referenced application.

### **CONCLUSION**

It is respectfully submitted that each of claims 1, 2, 6, 11-16, 40-52, and 55-74 is allowable. An early notice of the allowability of each of these claims is respectfully solicited, as is an indication that the above-referenced application has been passed for issuance. If any issues preventing allowance of the above-referenced application remain which might be resolved by way of a telephone conference, the Office is kindly invited to contact the undersigned attorney.

Respectfully submitted,



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